

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF TEXAS
FORT WORTH DIVISION**

HOBBY DISTILLERS ASSOCIATION, <i>et al.</i>,	
Plaintiffs,	
v.	
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU, <i>et al.</i>,	Case No. 4:23-cv-01221-P
Defendants.	

**UNOPPOSED MOTION TO MODIFY SCHEDULE
AND ENLARGE PAGE LIMITS**

Defendants respectfully submit this unopposed motion to modify the briefing schedule for Plaintiffs' motion for preliminary injunction and enlarge the page limits for (1) Defendants' combined brief in response to Plaintiffs' motion and in support of Defendants' anticipated motion to dismiss, and (2) Plaintiffs' combined reply in support of their preliminary injunction motion and opposition to Defendants' motion to dismiss.

This case involves a constitutional challenge to two federal statutory provisions, 26 U.S.C. § 5601(a)(6) and 26 U.S.C. § 5178(a)(1)(B). Plaintiffs filed the Complaint in this action on December 8, 2023, and filed their motion for a preliminary injunction on March 6, 2024. Defendants' answer or other response to the Complaint is due April 15, 2024. Defendants intend to file a motion to dismiss in conjunction with Defendants' opposition to Plaintiffs' motion for preliminary injunction. Defendants intend to move to dismiss the complaint under both Rule 12(b)(1) and 12(b)(6), and the arguments presented in Defendants' anticipated motion will overlap substantially with the legal issues discussed in the briefing on Plaintiffs' preliminary injunction motion.

Defendants respectfully request a modification of the Court's briefing schedule permitting Defendants to file their motion to dismiss, and combined brief in support of that motion and in opposition to Plaintiffs' motion for preliminary injunction, on March 27, 2024. Thus, Defendants respectfully request that the deadline for their response to Plaintiffs' motion for preliminary injunction be extended by six days, from March 21, 2024, to March 27, 2024 and that this Court issue a revised scheduling order permitting Plaintiffs to file brief in response to Defendants' motion to dismiss and in support of Plaintiffs' motion for a preliminary injunction, and Defendants to file a reply brief in support of their motion to dismiss. Defendants also respectfully request that the Court reschedule the hearing that is currently set for March 28, 2024 so that briefing on the two motions can be completed in advance of the hearing.

In light of the complex constitutional, statutory, and regulatory issues in this case, Defendants also request an enlargement of the page limits for briefing in this case. Defendants propose that they be afforded an additional 20 pages (amounting to 45 pages total) for their combined brief in opposition to Plaintiffs' motion for preliminary injunction and in support of Defendants' motion to dismiss, and that Plaintiffs be afforded the same number of pages for a combined reply in support of their motion for preliminary injunction and response to Defendants' motion to dismiss.

Defendants' proposed modified briefing schedule and page limits are summarized below:

	Deadline	Page Limit
Defendants' Brief in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendants' Motion to Dismiss	March 27, 2024	45 pages

Plaintiffs' Brief in Opposition to Defendants' Motion to Dismiss and Reply in Support of Plaintiffs' Motion for a Preliminary Injunction	April 17, 2024	45 pages
Defendants' Reply in Support of Defendants' Motion to Dismiss	May 1, 2024	10 pages
Hearing	At the Court's convenience	

CERTIFICATE OF CONFERENCE

Defendants have conferred with Plaintiffs' counsel, and Plaintiffs do not oppose this motion.

Dated: March 15, 2024

Respectfully submitted,

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/s/
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